

HOUSE BILL No. 1146

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-10.

Synopsis: Suspension of driving privileges. Provides that if: (1) a person is imprisoned for operating a vehicle or motorboat while intoxicated; and (2) the court recommends the suspension of the person's driving privileges, the court may recommend that the suspension of the person's driving privileges not commence until after the person completes the person's fixed term of imprisonment.

Effective: July 1, 1999.

Cheney

January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1146

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) In addition to a
3 criminal penalty imposed for an offense under this chapter or
4 IC 14-15-8, the court shall, after reviewing the person's bureau driving
5 record and other relevant evidence, recommend the suspension of the
6 person's driving privileges for the fixed period of time specified under
7 this section.

8 (b) If the court finds that the person:

9 (1) does not have a previous conviction of operating a vehicle or
10 a motorboat while intoxicated; or

11 (2) has a previous conviction of operating a vehicle or a
12 motorboat while intoxicated that occurred at least ten (10) years
13 before the conviction under consideration by the court;

14 the court shall recommend the suspension of the person's driving
15 privileges for at least ninety (90) days but not more than two (2) years.

16 (c) If the court finds that the person has a previous conviction of
17 operating a vehicle or a motorboat while intoxicated and the previous

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conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court may order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court may order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(e) If the conviction under consideration by the court is for an offense under:

- (1) section 4 of this chapter;
- (2) section 5 of this chapter;
- (3) IC 14-15-8-8(b); or
- (4) IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

(g) If:

(1) a person is imprisoned for committing an offense under:

- (A) this chapter; or**
- (B) IC 14-15-8; and**



1 (2) the court recommends the suspension of the person's
2 driving privileges under this section as an additional penalty
3 for committing the offense;
4 the court may recommend that the suspension of the person's
5 driving privileges not commence until after the person completes
6 the person's fixed term of imprisonment.

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